

**U.S. Bankruptcy Court
Northern District of Florida
Proposed Local Rule Changes**

- **1001-1 / Introduction and General Statement of Adoption and Application of Local Rules**

Edit made to note proposed September 1, 2006 effective date.

- **1007-1 / Lists, Schedules, Statements, and Other Documents**

Title was changed to be consistent with national interim rule.*

(A)(4) and (B)(6) added to note the particular document needed to comply with the new §109 credit counseling requirements or to request an exemption.

(A)(5) and (B)(7) added to note the need for a certificate from the debtor which states that he/she does not need to comply with the requirement for pay stubs under §521(a)(1)(B)(iv).

(A)(6) added to note the requirement for a certificate or statement in certain cases that do not need to file the applicable Form 22 monthly income statement due to the debts being primarily business related.

Prior subsection (B) removed as it no longer applies.*

- **1007-2 / Mailing List or Matrix**

Clarification of what is required to be filed in ECF in relation to the petition PDF.

- **1007-3 / Statement of Intention - NEW**

New ruled added to require that the statement include the terms of how the debtor plans to accomplish the intentions listed in the statement.

- **1009-1 / Amendments to Lists and Amended Schedules**

(D) incorporated as a way to streamline the adding of creditors in closed Chapter 7 no-asset cases so that the case does not have to be re-opened as long as the new local form "Certificate and Affidavit for Adding Creditors to Schedules in a Closed Case" is completed and filed.

- **1019-1 / Conversion**

Applicable language in (A) was changed to be consistent with the revised rule title for 1007-1.*

(B) added to note requirement for submission in all converted cases of the applicable Form 22 (i.e. Statement of Current Monthly Income and Means Test Calculation).

- **1020-1 / Chapter 11 Small Business Cases – General***

Rule was abrogated due to new Code and interim rule provisions.

- **2016-1 / Compensation of Professionals**

References to code subsections were removed in (A)(1)(a) and (B)(1) as related new code provisions would unnecessarily lengthen the rule. Grammatical change was made to the word “cost” as it should be “costs” in (A)(1)(b)*

(A)(3)(b) added to note circumstances pertaining to new law language dealing with the commissions paid to panel trustees and the use of negative noticing to streamline the process.

- **2081-1 / Chapter 11 - General**

Edits made to (B)(2)(c) to note all of the items needed to discharge and/or close a case including the new discharge requirement for all plan payments to be made for individual Chapter 11’s under §1141(d)(5)(A).

- **3012-1 / Valuation of Collateral**

Prior language added under (B) as part of the Interim process has been removed *

It has been replaced with language that requires more information be provided in the notice to secured creditors concerning collateral and the adjustment to 30 days (from 20) to file a motion to value collateral or applicable response.

- **3015-1 / Certification of Information by Chapter 13 Debtor* - NEW**

Language was added going to plan confirmation to note a new filing requirement for a certification or plan paragraph that all domestic support payments under 1325(a)(8) have been paid and all applicable tax returns under 1308 and 1325(a)(9) have been filed with the appropriate tax authorities and copies provided to the Chapter 13 Trustee.

- **3017-2 / Disclosure Statement – Small Business Cases**

Rule was originally abrogated in the Interim process due to new Code and interim rule provisions.*

Decision made to keep overall rule with adjustments made to remove language about election to be a small business as that is no longer applicable. Added language to note the new process available to a debtor to notify the court that they wish for the plan to also serve as the disclosure statement.

- **3020-1 / Chapter 11 - Confirmation**

Edits made in (B) to reflect process to be used due to ECF.

- **4001-1 / Relief from Stay***

New language was added in the Interim process with regard to multiple filers under §362 and the steps to request a “comfort” Order, but this was removed and shifted to new rules 4001-2 and 4001-3 in order to provide a clearer way to note what is required under the new law. Therefore, there are no proposed changes to 4001-1.

- **4001-2 / Automatic Stay – Confirmation of No Stay - NEW**

New language added with regard to multiple filers under §362 and the process to request a “comfort” Order.

- **4001-3 / Re-imposing or Extending Automatic Stay - NEW**

New language added with regard to multiple filers under §362 and the process to request a re-imposition or extension of the stay.

- **4002-1 / Tax Returns* - NEW**

Language was added to notify debtors that they provide only copies, not originals of documents to the trustees.

New language was also added noting the confidentiality of the returns that are provided and the procedure to be followed under §521(f) to request the ability to access tax returns once they are filed with the court.

- **4003-2 / Lien Avoidance**

Edits made to reflect the shift to 3012-1 with regard to the value related information and the removal of language regarding the appraisal process.

- **4004-1 / Grant or Denial of Discharge* - NEW**

Language was added concerning requirements when filing the financial management form relevant to §727 and §1328 and interim rule 1007.

Language was added to require the filing after plan completion of a certification that the debtors’ domestic support payments are current or that this domestic support provision is not applicable so that the discharge can be granted under 1328(a).

- **6004-1 / Sale of Estate Property***

New language was added to sections (A) and (B) to include procedures for personally identifiable information. This required the subsequent paragraphs to be re-labeled as well.

April 25, 2006

- **7001-1 / Adversary Proceedings**

Edits made to remove outdated references and the fact that the Clerk's Office prepares the summons under ECF.

- **9004-2 / Caption – Papers, General***

Change made so that the reference to “papers” is changed to “documents in the title and (C).

- **9013-2 / Briefs and Memoranda of Law**

Information added to (B) to note the ability to file a Certificate of No Objection.

- **9014-1 / Witness and Evidentiary Hearings***

The last sentence was removed as the procedures for the filing of the exhibit lists has changed.

- **9070-1/ Exhibits**

Change made to note that exhibits are now to be provided three days prior to trial or evidentiary hearing instead of just one.

- **Overall Technical Change***

The word “court” when referencing the local forms on the internet page will be changed to “Court” to be consistent with rest of the rules.